

AMENDED IN SENATE JULY 2, 2003

AMENDED IN ASSEMBLY APRIL 23, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1576**

**Introduced by Assembly Member Liu**

February 21, 2003

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An act to amend Sections 19210, ~~19212, 19213, 19214, 19215, and 19216 of, and to add Sections 19212.5 and 19218 to, 19211, 19212, 19213, 19215, and 19216 of~~ the Health and Safety Code, relating to water heaters.

LEGISLATIVE COUNSEL'S DIGEST

AB 1576, as amended, Liu. Water heaters: earthquakes.

(1) Existing law requires all new, replacement, and existing residential water heaters to be braced, anchored, or strapped to resist falling or horizontal displacement due to earthquake motion, as specified. ~~However, the failure of any person to comply with this requirement does not create a presumption of a failure by that person to exercise due care.~~

~~This bill would expressly require all water heaters in rental housing to be similarly braced, anchored, or strapped by no later than July 1, 2005— require written rental agreements executed on or after July 1, 2004, to contain a specified disclosure of this requirement and would require existing tenants to be given the same disclosure.~~ The bill would prohibit eviction based solely on this requirement. Because violation of these provisions relating to earthquake protection is punishable as a

misdemeanor under other provisions, this bill would impose a state-mandated local program by changing the definition of a crime.

~~The bill would provide that a building permit is not required for the installation of water heater bracing, anchoring, or strapping.~~

The bill also would make technical changes to these provisions.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 19210 of the Health and Safety Code is  
2 amended to read:

3 19210. (a) The Legislature finds and declares that there  
4 exists a serious threat of fire, explosion, or electrocution to the  
5 people of California from water heaters that overturn or  
6 experience damage to the plumbing or electrical wiring during an  
7 earthquake, and that a large number of structures will suffer  
8 damage from water heaters due to the lack of adequate strapping  
9 or bracing.

10 (b) The Legislature further finds and declares that it is the goal  
11 of the State of California to reduce earthquake hazards in this state.

12 (c) The Legislature further finds and declares that the original  
13 state policy goal of having all water heaters strapped or properly  
14 anchored by the year 2000 has not been achieved, thereby  
15 exposing the residents of California to a continuing serious risk of  
16 injury or damage from water heaters overturned or demolished  
17 during earthquakes.

18 (d) The Legislature further finds and declares that occupants of  
19 rental housing in this state are vulnerable to the threat of fire,  
20 explosion, or electrocution from water heaters that overturn or  
21 experience damage during an earthquake, and are not authorized  
22 to strap, brace, or anchor water heaters in their units without the  
23 owner's advance approval, thus exposing them to hazardous  
24 conditions that they cannot mitigate.



(e) It is the intent of the Legislature that compliance with Section 19212.5 shall not result in the displacement of existing households.

SEC. 2. *Section 19211 of the Health and Safety Code is amended to read:*

19211. (a) Notwithstanding Section 19100, all new and replacement water heaters, and all existing residential water heaters, shall be braced, anchored, or strapped to resist falling or horizontal displacement due to earthquake motion. At a minimum, any water heater shall be secured in accordance with the California Plumbing Code, or modifications made thereto by a city, county, or city and county pursuant to Section 17958.5.

(b) The seller of any real property containing a water heater shall certify to the prospective purchaser that this section has been complied with. This certification shall be made in writing, and may be included in existing transactional documents, including, but not limited to, the Homeowner's Guide to Earthquake Safety; published pursuant to Section 10149 of the Business and Professions Code, a real estate sales contract or receipt for deposit, or a transfer disclosure statement pursuant to Section 1102.6 or 1102.6a of the Civil Code.

(c) *Every written rental or lease agreement for residential property executed on or after July 1, 2004, shall disclose the following:*

*EXISTING LAW REQUIRES THAT ALL EXISTING RESIDENTIAL WATER HEATERS BE BRACED, ANCHORED, OR STRAPPED TO RESIST FALLING OR HORIZONTAL DISPLACEMENT DUE TO EARTHQUAKE MOTION.*

*THE WATER HEATER SERVICING THE  
SUBJECT RESIDENTIAL RENTAL  
PROPERTY UNIT IS BRACED,  
ANCHORED, OR STRAPPED.           // YES    // NO*

(d) *If a written rental agreement has been entered into that is in existence on July 1, 2004, the landlord or the landlord's agent shall, within 60 days, provide to that tenant the following written disclosure:*

1 EXISTING STATE LAW REQUIRES THAT ALL EXISTING  
2 RESIDENTIAL WATER HEATERS BE BRACED, ANCHORED,  
3 OR STRAPPED TO RESIST FALLING OR HORIZONTAL  
4 DISPLACEMENT DUE TO EARTHQUAKE MOTION.

5  
6 THE WATER HEATER SERVICING THE  
7 SUBJECT RESIDENTIAL RENTAL  
8 PROPERTY UNIT IS BRACED,  
9 ANCHORED, OR STRAPPED.           // YES     // NO

10  
11 (e) An owner of a residential rental property shall not evict any  
12 person on the basis that the eviction is required in order to comply  
13 with this section.

14 (f) For the purposes of subdivision (a), “water heater” means  
15 any standard water heater with a capacity of not more than 120  
16 gallons for which a preengineered strapping kit is readily  
17 available.

18 (g) Notwithstanding Section 669 of the Evidence Code, the  
19 failure of any person to comply with this section shall not create  
20 a presumption of a failure by that person to exercise due care.

21 SEC. 3. Section 19212 of the Health and Safety Code is  
22 amended to read:

23 19212. All water heaters manufactured for sale in California  
24 on or after July 1, 1991, shall include a statement in the installation  
25 instructions that water heater units must be braced, anchored, or  
26 strapped to resist falling or horizontal displacement due to  
27 earthquake motion. The instructions provided by the manufacturer  
28 may include a reproduction of the generic installation instructions  
29 and standard details as prepared by the Division of the State  
30 Architect in accordance with Section 19215.

31 ~~SEC. 3. Section 19212.5 is added to the Health and Safety~~  
32 ~~Code, to read:~~

33 ~~19212.5. (a) Notwithstanding Sections 19100 and 19212, all~~  
34 ~~water heaters in rental housing units shall, by no later than July 1,~~  
35 ~~2005, be braced, anchored, or strapped to resist falling or~~  
36 ~~horizontal displacement due to earthquake motion. At a minimum,~~  
37 ~~any water heater shall be secured in accordance with the California~~  
38 ~~Plumbing Code, or modifications made thereto by a city, county,~~  
39 ~~or city and county pursuant to Section 17958.5.~~

~~(b) An owner of rental property shall not evict any person solely on the basis that the eviction is required in order to comply with this section.~~

~~(c) For the purposes of subdivision (a), “water heater” means any standard water heater with a capacity of not more than 120 gallons for which a preengineered strapping kit is readily available.~~

SEC. 4. Section 19213 of the Health and Safety Code is amended to read:

19213. Manufacturers shall add language to their instruction label on the front of the water heater that discloses the danger of falling or horizontal displacement due to an earthquake. The label shall contain the following language:

WARNING: THIS WATER HEATER MUST BE BRACED, ANCHORED, OR STRAPPED TO AVOID FALLING OR MOVING DURING AN EARTHQUAKE. SEE INSTRUCTIONS FOR CORRECT INSTALLATION PROCEDURES.

~~SEC. 5. Section 19214 of the Health and Safety Code is amended to read:~~

~~19214. Any person who violates Section 19212, 19212.5, or 19213 shall be deemed to have violated a provision of Chapter 4 (commencing with Section 17000) of Part 2 of Division 7 of the Business and Professions Code.~~

~~SEC. 6.—~~

SEC. 5. Section 19215 of the Health and Safety Code is amended to read:

19215. The Division of the State Architect shall prepare generic installation instructions with standard details illustrating the strapping, bracing, and anchoring of water heaters for typical installations in single-family homes that comply with the requirements of the model codes. These details shall be made available for reproduction to manufacturers and appliance retailers at a cost to cover the state’s cost to prepare the details, and respond to requests.

~~SEC. 7.—~~

SEC. 6. Section 19216 of the Health and Safety Code is amended to read:

1 19216. At the point of sale, the retailer may provide the  
2 consumer with generic installation instructions with standard  
3 details approved by ~~the Division~~ *the Division* of the State  
4 Architect. If provided, these generic instructions are intended to be  
5 provided to the consumer as a guide, and are not intended to  
6 supersede local codes. The retailer and manufacturer are deemed  
7 not to be liable for the generic instructions provided to consumers  
8 as long as these have been approved by the Division of the State  
9 Architect, as complying with the requirements of the model code  
10 in force on the date of approval.

11 ~~SEC. 8. Section 19218 is added to the Health and Safety Code,~~  
12 ~~to read:~~

13 ~~19218. No building permit shall be required for the~~  
14 ~~installation of bracing, anchoring, or strapping of a water heater in~~  
15 ~~compliance with this chapter.~~

16 ~~SEC. 9.—~~

17 *SEC. 7.* No reimbursement is required by this act pursuant to  
18 Section 6 of Article XIII B of the California Constitution because  
19 the only costs that may be incurred by a local agency or school  
20 district will be incurred because this act creates a new crime or  
21 infraction, eliminates a crime or infraction, or changes the penalty  
22 for a crime or infraction, within the meaning of Section 17556 of  
23 the Government Code, or changes the definition of a crime within  
24 the meaning of Section 6 of Article XIII B of the California  
25 Constitution.

